



130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 1229

H.P. 900

House of Representatives, March 24, 2021

**An Act To Require Certain Medical Providers To Administer
Ultrasounds and Provide Information to Certain Pregnant Patients**

Received by the Clerk of the House on March 22, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

R. B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative GRIFFIN of Levant.

Cosponsored by Representatives: CARMICHAEL of Greenbush, DUCHARME of Madison, KINNEY of Knox, O'CONNOR of Berwick.

1 Be it enacted by the People of the State of Maine as follows:

2 **Sec. 1. 22 MRSA §1598, sub-§2, ¶C** is enacted to read:

3 C. "Medical emergency" means a condition that, on the basis of the good faith clinical
4 judgment of a health care professional, as defined in section 1596, subsection 1,
5 paragraph C, complicates the medical condition of a pregnant woman to necessitate the
6 immediate abortion of her pregnancy to avert her death or to avoid a delay that would
7 create serious risk of substantial and irreversible impairment of a major bodily
8 function.

9 **Sec. 2. 22 MRSA §1598, sub-§2, ¶D** is enacted to read:

10 D. "Obstetric ultrasound" or "ultrasound" means the use of ultrasonic waves for
11 diagnostic or therapeutic purposes and to monitor a developing fetus.

12 **Sec. 3. 22 MRSA §1598, sub-§5** is enacted to read:

13 5. Waiting period. Unless there is a medical emergency, a health care professional,
14 as defined in section 1596, subsection 1, paragraph C, may not perform an abortion upon a
15 pregnant woman before 48 hours have passed since the health care professional secured the
16 informed written consent of the pregnant woman as required under section 1599-A and the
17 performance of the obstetric ultrasound as required under section 1599-B.

18 **Sec. 4. 22 MRSA §1599-A, sub-§2**, as amended by PL 2019, c. 262, §6, is further
19 amended to read:

20 **2. Informed consent.** To ensure that the consent for an abortion is truly informed
21 consent, the health care professional, as defined in section 1596, subsection 1, paragraph
22 C, shall, in addition to performing the ultrasound as required in section 1599-B, inform the
23 woman, in a manner that in the health care professional's professional judgment is not
24 misleading and that will be understood by the patient, of at least the following:

- 25 A. According to the health care professional's best judgment she is pregnant;
26 B. The number of weeks elapsed from the probable time of the conception;
27 C. The particular risks associated with her own pregnancy and the abortion technique
28 to be performed; and
29 D. At the woman's request, alternatives Alternatives to abortion such as childbirth and
30 parenting and adoption and information concerning public and private agencies that
31 will provide the woman with economic and other assistance to carry the fetus to term,
32 including, if the woman so requests, a list of these agencies and the services available
33 from each.

34 **Sec. 5. 22 MRSA §1599-B** is enacted to read:

35 **§1599-B. Required ultrasound before abortion**

36 **1. Ultrasound required.** Prior to a pregnant woman giving informed consent under
37 section 1599-A to having an abortion performed, a health care professional who is to
38 perform the abortion or a qualified ultrasound provider to whom the responsibility has been
39 delegated by the health care professional shall:

- A. Perform an obstetric ultrasound on the pregnant woman and provide a simultaneous explanation of what the ultrasound images are depicting, which must include the presence and location of the fetus and the number of fetuses depicted, and, if the ultrasound images indicate that fetal death has occurred, inform the pregnant woman of that fact;

B. Display the ultrasound images so that the pregnant woman may view the images;

C. Provide a medical description of the ultrasound images, which must include the dimensions of the fetus and the presence of external members and internal organs, if present and viewable; and

D. Retain in the pregnant woman's medical record a signed certification from the pregnant woman that she has been presented with the information required to be provided under paragraph C and has viewed the ultrasound images or declined to do so. The signed certification must be on a form provided by the department.
- 2. Not viewed.** When the ultrasound images are provided to and reviewed by the pregnant woman under subsection 1, nothing in this section may be construed to prevent pregnant woman from averting her eyes from the ultrasound images. The health care professional, the qualified ultrasound provider and the pregnant woman may not be subject to any penalty if the pregnant woman refuses to look at the displayed ultrasound images.
- 3. Definitions.** As used in this section, the following terms have the following meanings.
- A. "Abortion" has the same meaning as set forth in section 1598, subsection 2, paragraph A.
- B. "Health care professional" has the same meaning as set forth in section 1596, subsection 1, paragraph C.
- C. "Obstetric ultrasound" or "ultrasound" has the same meaning as set forth in section 1598, subsection 2, paragraph D.
- D. "Qualified ultrasound provider" means a person who is licensed or certified by a board or commission established under Title 32 to perform an obstetric ultrasound.

SUMMARY

This bill requires a health care professional to ensure that a pregnant woman undergoes an ultrasound and receives information about alternatives to abortion, including parenting the child, at least 48 hours before she can have an abortion. The existence of a medical emergency eliminates the 48-hour waiting period.